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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/730,251	12/09/2003	Thomas E. Pride	MAC 426-15	3351
7590 02/03/2009				
William A. Blake Jones, Tullar & Cooper, P.C. P.O. Box 2266 Eads Station Arlington, VA 22202			EXAMINER QUINN, COLLEEN M	
			ART UNIT 3634	PAPER NUMBER
			MAIL DATE 02/03/2009	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/730,251

Applicant(s)

PRIDE, THOMAS E.

Examiner

COLLEEN M. QUINN

Art Unit

3634

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 November 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 3-8 and 16-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3-8 and 16-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Terminal Disclaimer

The terminal disclaimer filed on November 3rd, 2008, disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of US Patent No. 7,249,682 has been reviewed and is accepted. The terminal disclaimer has been recorded.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3-8 and 16-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Volkert et al. (US 6,588,605) in view of Leventry (US 1,454,900).

Volkert et al. disclose a clamping cartridge for releasably clamping a plurality of panel-type articles in a generally parallel spaced-apart manner (abstract) comprising a frame (23), a plurality of clamping mechanisms (44 & 40; 40A-C.), spaced apart along the frame and generally oriented perpendicular to their direction of spacing (figure 1), being independently biased towards a closed position, via spring (col. 8, lines 4-14), actuation means (260, 262, 264, 266, 268) operable with the clamping mechanisms for opening and closing the clamping mechanisms (Abstract), the clamping mechanisms being individually self adjusting upon closing (col. 6, lines 26-40; resilient material

allows adjustment); the clamping mechanisms comprise relatively movable jaws (protruding members 40A-C & 44), operated by the actuation means to overcome the closed position, levers (246A-C, 250, 262,334,336,338), connected to the jaws (via 255), the actuation means operable by separate levers to open and close the jaws (abstract), the levers having a distal end (as in end 259B labeled on middle lever & unlabeled on other levers), the ends of the lever moved relatively towards one another by actuation means, causing jaws to open (col. 7, lines 54-67 - col. 8, lines 1-9; col.9, lines 65-67), the actuating means comprising camming means (244A-C), and control means (250, 262), the distal ends of the levers extending through the frame (figure 6B, figure 10), engaging the camming means (figure 6B, figure 10), operable by the control means (col. 7, line 64, col. 9, lines 65-67), causing the pairs of jaws in the sets of clamping mechanisms to open and close in unison (abstract). The control means comprising a rotatable shaft (242), in the direction of the spacing of the clamping mechanisms (figures 1 & 7), the camming means comprising a plurality of cam wheels disposed on and fixed to rotate with the rotatable shaft (figure 8), the cam wheels having radial sides, forming cam surfaces, varying in the axial direction, with the revolution of the wheel (figures 6D & 9), the cams being disposed adjacent the distal ends of the levers (figures 6b & 8), wherein, the rotating of the shaft either brings the distal ends nearer or further apart, resulting in the opening or closing of the jaws (col. 7, lines 54-67 - col. 8, lines 1-57) and the cam surfaces being generally planar (figures 8 & 9)

Regarding claims 16-20, Volkert et al. disclose a transportation/shipping package comprising one or more clamping cartridges, as set forth in claim 1, used to clamp, space, separate and support one or more panel-type articles (as advanced above), further comprising seating means (50) which cooperate with the clamping mechanisms to support the panel-type articles (figures 2 & 4), the clamping cartridges provided in pairs (figure 2), the pairs being oriented generally perpendicular to each other, for clamping adjacent perpendicular edges of articles (figures 1-2), the clamping mechanism pairs aligning in the same panes as each other (figure 2), and disposed at an angle to the transportation/shipping package (figure 4).

Although Volkert et al. disclose clamping mechanisms spaced perpendicularly to each other (figure 1; each block of 40 in relation to each other) relative the clamping direction, Volkert et al. does not disclose sets of clamping mechanisms spaced generally in the same direction as the clamping direction.

However, Leventry teaches a clamping cartridge (figure 1) for releasably clamping a plurality of objects (7) in a spaced-apart parallel manner (figure 1) comprising a frame (1-5), a plurality of clamping mechanisms (figure 5), each clamping mechanism comprising a pair movable jaws (figure 4) being normally biased towards a closed position independently of the other clamping mechanisms (each cue holder is independently controlled- figure 1) wherein jaws of the clamping mechanisms are not only spaced perpendicular to the clamping direction (figure 2) but there are also rows of clamping mechanisms provided side by side (figure 1), spaced in the same direction as

the clamping mechanism, providing more clamping options for the clamping cartridge holding a plurality of objects.

Therefore it would have been obvious to one of ordinary skill in the art to provide the clamping cartridge of Volkert et al. with additional sets of clamping mechanisms spaced in the same direction as the clamping direction, as taught by Leventry, in order to provide additional clamping options for the plurality of items being clamped.

Response to Arguments

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to COLLEEN M. QUINN whose telephone number is (571)272-6289. The examiner can normally be reached on 8:30AM-5:00PM Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Katherine Mitchell can be reached on (571) 272-7069. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/KATHERINE W MITCHELL/
Supervisory Patent Examiner, Art Unit 3634

/C. M. Q./
Examiner, Art Unit 3634